

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

CASE NO. 3:99-CR-00309-04 (PG)

CARLOS RODRIGUEZ-MORALES

**URGENT MOTION FOR SHOW CAUSE HEARING
AND REQUESTING A SUMMONS**

**TO THE HONORABLE JUAN M. PEREZ-GIMENEZ
SENIOR UNITED STATES DISTRICT JUDGE
DISTRICT OF PUERTO RICO**

COMES NOW, HUMBERTO MARCHAND, U.S. PROBATION OFFICER of this Court, presenting an official report on the conduct and attitude of the offender, Carlos Rodríguez-Morales, who on May 14, 2002, was sentenced to 30 months of imprisonment for aiding and abetting in assault of federal employee with intent to rob, aiding and abetting in use of firearm during a crime of violence and aiding and abetting in possession of firearm with intent to use during a crime of violence within a federal facility. Mr. Rodríguez was released on June 10, 2005. His supervised release term expires this coming June 9, 2008.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT AS
FOLLOWS:**

Since his release from custody, the offender has violated the following conditions of his supervised release term:

1. STANDARD CONDITION NO. 2 - “THE DEFENDANT SHALL REPORT TO THE PROBATION OFFICER AND SHALL SUBMIT A TRUTHFUL AND COMPLETE WRITTEN REPORT WITHIN THE FIRST FIVE DAYS OF EACH MONTH.”

On several occasions, throughout his supervision term, the offender has failed to submit his monthly supervision report as required by this condition. At this moment, he has failed to submit the April and May 2008 monthly supervision reports.

2. STANDARD CONDITION NO. 3 - “THE DEFENDANT SHALL ANSWER TRUTHFULLY ALL INQUIRIES BY THE PROBATION OFFICER AND FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER.”

On April 24, 2008, a home contact was conducted. While on my way to the offender's home, I contacted him to notify of our visit and that he will be required to submit a urine sample for random drug testing. When I arrived, the offender indicated that he was in a hurry and that he had gone to the bathroom just prior to the visit. Therefore, he was instructed to report to the office the next day to submit the sample. However, the offender failed to appear for drug testing on April 25, 2008 as instructed.

Subsequently, the offender submitted a urine sample during a home contact on May 29, 2008. The sample was negative to all drugs tested as confirmed by the national laboratory.

Yesterday, I received a call from the treatment provider indicating that the offender had just showed up to his medical appointment to renew his psychotropic medication prescription. However, this officer spoke to him and instructed the offender to make up the counseling session he missed last week in order to authorize full coverage of the medication. The offender indicated that he was not going to make up his counseling session and he left the treatment provider's office.

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3. STANDARD CONDITION NO. 7 - "THE DEFENDANT SHALL REFRAIN FROM EXCESSIVE USE OF ALCOHOL AND SHALL NOT PURCHASE, POSSESS, USE, DISTRIBUTE, OR ADMINISTER ANY NARCOTIC OR OTHER CONTROLLED SUBSTANCE, OR ANY PARAPHERNALIA RELATED TO SUCH SUBSTANCES, EXCEPT AS PRESCRIBED BY A PHYSICIAN."

4. MANDATORY CONDITION - "THE DEFENDANT SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE DEFENDANT SHALL SUBMIT TO ONE DRUG TEST WITHIN 15 DAYS OF RELEASE FROM IMPRISONMENT AND THREATER AS REQUIRED BY THE U.S. PROBATION OFFICER."

The offender has admitted a relapse to cocaine twice during supervision. He completed the intensive random drug testing program without testing positive. However, he failed to show up for testing on two occasions while at this program. In addition, he failed to appear for testing this past April 25, 2008.

The offender also admitted a relapse last year to alcohol abuse and gambling. He completed a 15-day residential treatment placement.

5. STANDARD CONDITION NO. 6 - "THE DEFENDANT SHALL NOTIFY THE PROBATION OFFICER TEN DAYS PRIOR TO ANY CHANGE IN RESIDENCE OR EMPLOYMENT."

On or about December 2007, the offender changed his residence and failed to notify this change of address. Upon confrontation during an office interview, the offender admitted having moved out after an incident with his minor stepdaughter in which slapped

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her in the face after she reportedly used obscene language against him. His wife confirmed the incident. No charges for child abuse were filed. The biological father is aware of this incident.

6. SPECIAL CONDITION - THE DEFENDANT SHALL PARTICIPATE IN A MENTAL HEALTH PROGRAM ARRANGED AND APPROVED BY THE U.S. PROBATION OFFICER UNTIL DULY DISCHARGED BY AUTHORIZED PROGRAM PERSONNEL WITH THE APPROVAL OF THE PROBATION OFFICER."

Based on the reports from the outpatient treatment provider, the offender's attendance compliance and progress has been marginal. The offender refused to make up his last missed counseling session and has not been authorized to discontinue attending the treatment program.

WHEREFORE, I declare under penalty and perjury that the foregoing is true and correct. In view of the above violations, it is respectfully requested that a summons be immediately issued prior to the expiration of his supervision term of June 9, 2008, so that the offender may appear before this Honorable Court to show cause why his supervision term should not be revoked. Thereupon, he is to be dealt with pursuant to law.

In San Juan, Puerto Rico, this 5th day of June 2008.

Respectfully submitted,

EUSTAQUIO BABILONIA, CHIEF
U.S. PROBATION OFFICER

s/Humberto Marchand
U.S. Probation Officer
Federal Office Building Room 400
150 Chardón Avenue
San Juan, P.R. 00918-1741
Tel. 787-766-5836
Fax 787-766-5945
Humberto_Marchand@prp.uscourts.gov

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CERTIFICATE OF SERVICE

I HEREBY certify that on June 5, 2008, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Rosa E. Rodríguez, Acting U.S. Attorney, and I hereby certify that I have mailed copy of this motion to the following non CM/ECF participants:

Mr. Carlos Rodríguez, HC-01 Buzon #5105, Bo. Camarones, Guaynabo, PR 00971

In San Juan, Puerto Rico, this 5th day of June 2008.

s/Humberto Marchand
U.S. Probation Officer
Federal Office Building Room 400
150 Chardon Avenue
San Juan, P.R. 00918-1741
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Fax 787-766-5945
Humberto_Marchand@prp.uscourts.gov